

a paint mist and at the same time forms a paint spray cone 28 that faces the direction of the air flow.

Figure 1 broadly encompasses the foregoing features and recites the following:

An ultrasonic standing-wave atomizer arrangement for producing a paint spray mist for painting a workpiece, with a sonotrode, with a component arranged lying opposite the sonotrode, a standing ultrasonic field being formed in the intermediate space between the sonotrode and the component in the case of operation, and with at least one paint feeding device, which introduces the paint into the intermediate space for the atomizing process at at least one paint discharge point, wherein there is an air supply device, which interacts with at least one air distribution device, wherein the air distribution device has a number of clearances, which serve for blowing out air, wherein the clearances are arranged in such a way that between the at least one paint discharge point and the sonotrode and also between the at least one paint discharge point and the component there is formed at least one region with a blocking air flow, by which air flow wetting of the sonotrode or of the component with paint is substantially avoided.

The *Bauckhage* patent discloses an apparatus for pulverizing a jet of liquid material. As shown in Fig. 1, the apparatus includes a pair of ultrasonic generators 12, where each generator is placed on opposite sides of a container 13. A pressurized gaseous fluid is introduced into the container 13 through a gas inlet channel. The gaseous fluid creates an environment that allows for a high energy transfer from the ultrasonic field to the particles to be pulverized. See col. 1, lines 31-34; col. 2, lines 11-35; and Fig. 1.

The *Bauckhage* patent fails to anticipate Applicants' claims because it does not teach every element and/or the combination of elements recited therein. Particularly, the *Bauckhage* patent fails to disclose or suggest *an air supply device, which interacts with at least one air distribution device, wherein the air distribution device has a number of clearances, which serve for blowing out air such that between the at least one paint discharge point and the component there is formed at*

*least one region with a blocking air flow*, as recited in Applicants' claims. While the reference discloses a gas inlet channel is used to introduce gas into the container, there is no evidence that the gas enters the container in a manner that results in the formation of at least one region of blocking air flow.

As noted above, the *Bauckhage* patent discloses that the gaseous fluid is introduced to enable a higher energy transfer from the ultrasonic field to the particles (col. 1, lines 31-34). The reference does not provide any further guidance or insight into other uses, characteristics, or features of the gaseous fluid and certainly does not disclose the formation of a region of blocking air flow as in Applicants' claims. To conclude otherwise, improperly relies on inferences and assumptions without additional evidentiary support. Applicants take this position, because the applied reference does not appear to disclose or suggest any features that are analogous to Applicants' claimed combination of an air supply device, air distribution device, and clearances of the air distribution device. More importantly, the Examiner does not attempt to map these claimed features to the device described in the reference. Without a teaching, suggestion, or showing as such, Applicants respectfully submit that the *Bauckhage* patent cannot and does not anticipate Applicants' claims.

The Examiner is reminded that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on the discussion above, Applicants have shown that the *Bauckhage* patent does not meet the statutory requirements provided under 35 U.S.C. §102. Accordingly, withdrawal of this rejection is respectfully requested.

In the event the Examiner is not persuaded by the above remarks, Applicants request that the disclosure of the applied reference be mapped to the subject claims so that Applicants' are afforded a reasonable opportunity to respond.

In numbered paragraph 4 on page 2 of the Office Action, Applicants thank the Examiner for indicating that claims 5-10 and 13-30 contain allowable subject matter and believes that all claims are allowable for the reasons discussed in detail above.

### **Conclusion**

Based on at least the foregoing remarks, Applicants submit that claims 1-30 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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